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Before the  
**FEDERAL COMMUNICATIONS COMMISSION**  
Washington, D.C. 20554

FEB 12 1998

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In the Matter of )

)  
Application of BellSouth Corporation, )  
BellSouth Telecommunications, Inc. )  
and BellSouth Long Distance, Inc. )  
for Provision of In-Region, InterLATA )  
Services in South Carolina )

CC Docket No. 97-208

**RESPONSE OF MCI TELECOMMUNICATIONS CORPORATION  
TO THE PETITION OF AT&T CORP. FOR RECONSIDERATION**

MCI Telecommunications Corporation respectfully submits this response to the petition of AT&T Corp. for reconsideration of one aspect of the Commission's Order of December 24, 1997.<sup>1</sup> AT&T seeks reconsideration of the Commission's approval of BellSouth's proposed marketing script for inbound calls requesting new service, in which BellSouth would recommend its affiliate's interLATA service over that of competing interexchange carriers. The Commission should grant AT&T's petition because the Commission properly concluded in the Ameritech Order<sup>2</sup> that the use of a similarly discriminatory script would be inconsistent with section 251(g) of the Act and would give a BOC an "unfair advantage over other interexchange carriers." Ameritech Order ¶ 376. The Commission's reversal of this finding in the BellSouth Order cannot be reconciled with the requirements of section 251.

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<sup>1</sup> Mem. Opinion and Order, Application of BellSouth Corp., et al., Pursuant to Section 271 of the Communications Act of 1934, as amended, To Provide In-Region, InterLATA Services in South Carolina, FCC 97-418, CC Docket No. 97-208, rel. December 24, 1997 ("BellSouth Order").

<sup>2</sup> Mem. Opinion and Order, Application of Ameritech Michigan Pursuant to Section 271 of the Communications Act of 1934, as amended, To Provide In-Region, InterLATA Services In Michigan, FCC 97-298, CC Docket No. 97-137, rel. Aug. 19, 1997 ("Ameritech Order").

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Rather than balancing the equal access requirements of section 251(g) with the joint marketing provisions of section 272(g), see BellSouth Order ¶ 238, the Commission's decision effectively reads section 251(g) out of the Act. As discussed in AT&T's petition, section 251(g) preserves the same equal access requirements that existed prior to the passage of the Act, and section 272(g) did not change those requirements. AT&T Pet. 7-8. Had Congress intended to take away in section 272(g) what it protected in section 251(g), it would have said so explicitly. A script that recommends BellSouth's long-distance provider with only a general reference to other unnamed competitors cannot be reconciled with the equal access requirements.


The Commission's proper interpretation of section 251(g) in the Ameritech Michigan order does not unfairly limit a BOC's ability to market its affiliate's services. A BOC will be able to market to customers who call the BOC to order new service -- a significant advantage the BOCs could not previously enjoy. Moreover, as AT&T also notes, the Commission did not even consider a host of alternatives to the discriminatory script proposed by BellSouth, including allowing a BOC to market its services if a customer is undecided after being advised of the availability of services from specified competing interexchange carriers. In short, the Commission's wholesale abandonment of the principles set forth in the Ameritech Order, without giving meaning to section 251(g), or even considering alternative scripts, cannot be reconciled with the Act.

### **CONCLUSION**

For the foregoing reasons, and the reasons set forth in AT&T's Petition for Reconsideration, the Commission should reconsider the joint marketing aspects of the BellSouth Order and find BellSouth's proposed script contrary to the Act.

Respectfully submitted,

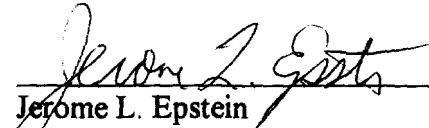
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February 12, 1998

**CERTIFICATE OF SERVICE**

I, Jerome L. Epstein, hereby certify that I have on this 12th day of February, 1998, caused a true copy of the foregoing Response of MCI Telecommunications Corporation to be served by hand on the parties on the attached list.

  
Jerome L. Epstein

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